

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
V.)	CASE NO: 3:07-cr-80-WHA
)	
ALEXIS RAMON HERRERA-FLORES)	

MOTION FOR MENTAL COMPETENCY EXAMINATION

Comes now the Defendant, by undersigned counsel, and respectfully requests this Court to enter an order directing the United States Marshal of this district to take the above-named defendant into custody and to remove him to the custody of a medical facility which employs Spanish-speaking medical personnel, run by the U.S. Bureau of Prisons, or such other federal institution as the Court deems appropriate, for the purpose of being observed and examined by one or more qualified psychiatrists, pursuant to Title 18, United States Code, Sections 4241, 4242 and 4247.

In support of its motion, undersigned counsel respectfully states as follows:

1. On March 16, 2007, this Defendant was arrested on a Criminal Complaint and the office of undersigned counsel was appointed to represent this Defendant when he was brought before the Court for an initial appearance and preliminary hearing (Doc. 12).
2. On April 4, 2007, the instant Indictment was filed against this Defendant (Doc. 9).
3. On April 5, 2007, this Court directed the U.S. Marshal to transport the Defendant to court for an arraignment on April 18 (Doc. 11).

4. Undersigned counsel, along with co-counsel Jennifer Hart and interpreter Marie Rians, met with the Defendant on April 16, to review the pending Indictment and discuss it with the Defendant. Because Mr. Herrera-Flores does not speak English, the interview on April 16 was conducted with and through interpreter Marie Rians.

5. During the interview, Mr. Herrera-Flores did not demonstrate understanding of the information given to him by the defense counsel. Several of his responses to counsel's questions made no sense and described fantastical events. His body language and eye contact seemed inappropriate and unrelated to the content of his responses. He appeared to laugh as he made statements without any humorous context. He did not make eye contact with anyone as he spoke, bent his head down and away, and the sound of his voice decreased as he continued to talk. The interpreter voiced concern about his understanding and competence. When asked if he had ever seen a doctor, he indicated that a doctor in another state had given him "a pill" for an injury to his head.

6. Accordingly, undersigned counsel respectfully requests that a psychiatric or psychological examination of the defendant be conducted, by Spanish-speaking personnel, pursuant to Title 18, United States Code, Section 4241, and that a report be required pursuant to the provisions of Title 18, United States Code, Section 4247(b) and (c), the latter reports specifically to include a report as to whether the defendant is "suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly

in his defense.”

7. Undersigned counsel has communicated this Motion to the United States; while the government has no knowledge of the Defendant’s competence and is not taking a position on this matter, the government does not oppose this Motion.

Respectfully submitted,

s/Christine A. Freeman

CHRISTINE A. FREEMAN

TN BAR NO.: 11892

Attorney for Alexis Ramon Herrera-Flores

Federal Defenders

Middle District of Alabama

201 Monroe Street , Suite 407

Montgomery, AL 36104

TEL: (334) 834-2099

FAX: (334) 834-0353

E-Mail: Christine_Freeman@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Nathan D. Stump, Esquire, Assistant United States Attorney, One Court Square, Suite 201, Montgomery, Alabama 36104.

s/Christine A. Freeman

CHRISTINE A. FREEMAN

TN BAR NO.: 11892

Attorney for Alexis Ramon Herrera-Flores

Federal Defenders

Middle District of Alabama

201 Monroe Street , Suite 407

Montgomery, AL 36104

TEL: (334) 834-2099

FAX: (334) 834-0353

E-Mail: Christine_Freeman@fd.org